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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,228	01/24/2005	Masaki Nishioka	XA-10269	6906

181 7590 10/11/2006

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

ROCCA, JOSEPH M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/522,228	Applicant(s) NISHIOKA ET AL.	
	Examiner Joseph Rocca	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/24/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by York (U.S. 4,209,074).

3. With respect to Claims 1, York discloses a steering column apparatus comprising: a steering shaft to which a steering wheel is mounted at the rear end portion thereof; a cylindrical steering column for rotatably supporting said steering column therein; vehicle body-side bracket used to sandwich and fix said steering column; a distance unit formed to be expanded from said steering column by plastic working and sandwiched by said body-side brackets; and position adjusting means for making the position of said steering column with respect to said body-side brackets adjustable within a predetermined adjustment range, wherein said position adjusting means comprises as its constituent element an adjusting bolt for passing through said body-side bracket and said distance unit so as to clamp said distance unit through said body-side bracket, and said adjusting bolt is positioned above said steering shaft.

With respect to the Claimed method of forming, making the said distance unit from said steering column by plastic working, is not germane to the issue of patentability of the device itself.

4. Regarding Claim 2, York further discloses a steering column apparatus according to claim 1, wherein said steering column is adjustable in a tilting direction with respect to said body-side bracket, and the lower end of said body-side bracket is positioned higher than the lower surface of said steering column.

5. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Livengood (U.S. 6,666,478).

6. With respect to Claim 1, Livengood discloses a steering column apparatus comprising: a steering shaft to which a steering wheel is mounted at the rear end portion thereof; a cylindrical steering column for rotatably supporting said steering column therein; vehicle body-side bracket used to sandwich and fix said steering column; a distance unit formed to be expanded from said steering column by plastic working and sandwiched by said body-side brackets; and position adjusting means for making the position of said steering column with respect to said body-side brackets adjustable within a predetermined adjustment range, wherein said position adjusting means comprises as its constituent element an adjusting bolt for passing through said body-side bracket and said distance unit so as to clamp said distance unit through said body-side bracket, and said adjusting bolt is positioned above said steering shaft.

With respect to the Claimed method of forming, making the said distance unit from said steering column by plastic working, is not germane to the issue of patentability of the device itself.

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7. Regarding Claim 2, Livengood further discloses a steering column apparatus according to claim 1, wherein said steering column is adjustable in a tilting direction with respect to said body-side bracket, and the lower end of said body-side bracket is positioned higher than the lower surface of said steering column.

8. With respect to Claim 3 and 5, as discussed above Livengood discloses the steering column according to Claims 1 and 2 above, respectively. Additionally, Livengood discloses the steering column apparatus claimed in Claims 1 and 2, wherein an electric assist mechanism for assisting a steering power of said steering wheel is secured to the tip end of said steering column.

9. Claims 4 and 6 are anticipated by Livengood, because the invention of a steering column apparatus according to claim 1 or 2, wherein said plastic working is performed by hydroforming is not germane to the issue of patentability of the device itself.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Rocca whose telephone number is 571-272-5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMR


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10/2/06